## IN THE UNITED STATES DISTRICT COURT FOR



## THE WESTERN DISTRICT OF OKLAHOMA

KRISTIE DIANE DAVIS,	ROBERT D. DEAM'S, CLERK U.S. DIST, COURT, WESTERN DIST, OF OKL
Plaintiff,	BY WILL DEPUTY
vs.	) No. CIV-10-840-W
MICHAEL J. ASTRUE, Commissioner of Social Security Administration,	
Defendant.	)

## ORDER

On July 11, 2011, United States Magistrate Judge Shon T. Erwin issued his findings in this matter and recommended that the decision of Michael J. Astrue, Commissioner of the Social Security Administration ("Commissioner"), denying the Application for Disability Insurance Benefits filed by plaintiff Kristie Diane Davis be reversed. Magistrate Judge Erwin further recommended that this matter be remanded for additional administrative proceedings. The parties were advised of their right to object to Magistrate Judge Erwin's Findings and Recommendation, but neither party has objected within the allotted time.

Upon review of the record, the Court concurs with Magistrate Judge Erwin's finding that remand of this matter is warranted. Accordingly, the Court

- (1) ADOPTS the Findings and Recommendation [Doc. 16] issued on July 11, 2011;
- (2) REVERSES the Commissioner's decision denying Davis' Application for Disability Insurance Benefits:
- (3) REMANDS this matter to the Commissioner pursuant to sentence four of Section 205(g) of the Social Security Act, 42 U.S.C. § 405(g), for further proceedings before an administrative law judge ("ALJ");

(4) DIRECTS the ALJ on remand to conduct such proceedings and to engage in the five-step sequential evaluation process set forth in 20 C.F.R. § 404.1520 in accordance with this Order, Magistrate Judge Erwin's Findings and Recommendation and extant case law regarding inter alia the opinions of treating physicians, e.g., Goatcher v. United States Department of Health and Human Services, 52 F.3d 288 (10<sup>th</sup> Cir. 1995), and credibility assessments; and

(5) ORDERS that judgment pursuant to this Order issue forthwith.

ENTERED this Ind day of August, 2011.

LÉE R. WEST

UNITED STATES DISTRICT JUDGE